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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/425,630      | 10/22/1999  | SHINGO HAMADA        | 400388/TSINT        | 9818             |

23548            7590            02/12/2002  
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EXAMINER

DICKENS, CHARLENE

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

NP

## Office Action Summary

|                 |            |                |               |
|-----------------|------------|----------------|---------------|
| Application No. | 09/425,630 | Applicant(s)   | Hamada et al, |
| Examiner        | Dickens    | Group Art Unit | 2855          |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 11-29-01
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-4, 6-14 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-4, 6-14 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on 11/28/01 / 11/29/01 is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892
- Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Other \_\_\_\_\_

## Office Action Summary

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 1/28/00 and 11/29/01 have been approved by the Examiner.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 102(b) as being anticipated by The Admitted Prior Art (APA).

The APA teaches flow rate measuring device (Figs. 39-45) comprising: a post located in a fluid passage and extending across a part of the fluid flow; a measuring duct (130, 131, 102, 129, 140, 171) having a fluid introduction port with an elongated shape confronting a flow direction of the fluid flow and a first pair of generally smooth, converging inner wall surfaces, narrowing toward a downstream direction of the fluid flow, each of the smooth inner wall surfaces having a profile, in a cross-section parallel to the fluid flow direction and parallel to the post, including an inflection point, and a single hole downstream of the fluid introduction port and a flow rate detector (31, 121, 162b)

and extends substantially linearly in a direction from an upstream side of the fluid passage toward a downstream side of the fluid passage, in the post; located in the measuring duct wherein the measuring duct has a fluid introduction port (20, 170a) with an curved elongated shape and confronting a flow direction of the flow, the measuring duct having at least one portion located between the fluid introduction port and the flow rate detector substantially smoothly narrowing, i.e., inner wall surface narrowing, toward a downstream direction of the flow in a longitudinal direction of the elongated shape, and the measuring duct has a single hole in the at least one portion; wherein the introduction port has a length in the longitudinal direction and width in a transverse direction, transverse to the longitudinal direction, the longitudinal length being substantially at least twice the width.

4. Applicant's arguments filed 11-29-01 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.

  
CD/dickens  
February 9, 2002

  
Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2800